



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:	BOARD OF DENTAL EXAMINERS
DATE AND TIME:	Thursday, June 17, 2010 at 4:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
APPROVED:	September 9, 2010

MEMBERS PRESENT

Neil McAneny, DDS, Professional Member, President
Blair Jones, DMD, Professional Member, Secretary
Thomas Cox, DDS, Professional Member
John Lenz, DDS, Professional Member
Robert Director, DDS, Professional Member
Lauren Coyle, RDH, Professional Member
John M. Kirby, Public Member
Danna Levy, Public Member (entered at 4:45 p.m.)
Debra Bruhl, RDH, Hygiene Advisory Member
Fay S. Rust, RDH, Hygiene Advisory Member
Bonnie Thomas, RDH, Hygiene Advisory Member

MEMBERS ABSENT

James King, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Michele Urbaniak, Administrative Specialist II
David Mangler, Executive Director of Nursing, Division of Professional Regulation

PUBLIC PRESENT

Janelle Sender
Jessica Wise
Gena Potts
Rachael Betts
Kristin Tearl-Sehorn
Shauna French
Meagan (last name illegible)

Rachel Staz
Carla Rivers
Ashley Paulino
Katie Albanese

CALL TO ORDER

Dr. McAneny called the meeting to order at 4:35 p.m.

REVIEW AND APPROVAL OF MINUTES

May 20, 2010 – Dr. Jones made a motion to approve the minutes as written, seconded by Dr. Lenz. The motion was unanimously approved.

Referencing "*Interpretation of Law - Chapter 11 §1124(a)(3)*" under New Business on the May 20, 2010 minutes, Dr. Director made a motion, seconded by Ms. Coyle, to mail letters to the members of the DE State Dental Society and the DE State Dental Hygiene Association notifying them that in the future, no CE credit would be given for *Give Kids a Smile*, Special Olympics, or other charitable events. Ms. Urbaniak will mail the letters before the next Board Meeting.

The Board reviewed minutes from August 21, 2008, August 7, 2008, September 13, 2007, March 8, 2007, and January 12, 2006. Dr. Director made a motion, seconded by Laureen Coyle, to approve these minutes contingent upon DAG Allison Reardon's review and approval. The motion was unanimously carried.

Dr. McAneny moved forward on the Agenda to Item 4.1, Recording of Exam Scores.

RECORDING OF EXAM SCORES

The examiners read aloud their scores of the Dental and Dental Hygiene examinations. Ms. Urbaniak calculated an average score for each candidate, and read the final score aloud along with the results of each candidate's Jurisprudence examination. The final dental exam results were 3 pass and 2 fail. The final dental hygiene exam results were 19 pass, 1 fail, 1 no-show, and 1 pending Jurisprudence exam. Once the recording of exam scores was complete, Dr. McAneny addressed the public with the opportunity to excuse themselves from the meeting, or to stay and observe. All of the public who were present for the recording of exam scores excused themselves at this point.

Dr. McAneny moved back on the Agenda to Item 3.0, Unfinished Business.

UNFINISHED BUSINESS

Dr. Charles Veith, III: Dr. McAneny reviewed Dr. Veith's letter and publications with the Board. Ms. Reardon directed the Board's attention to the relevant sections of the continuing education regulations and read aloud Rules & Regulations Item 6.6.4. Ms. Urbaniak verified that Dr. Veith's license is lapsed as of June 1, 2010. After some discussion, Ms. Reardon read aloud Item 6.8 of the Rules & Regulations. The Board made the following determinations regarding Dr. Veith's letter and attachments:

- *Retention:* Article submitted by Dr. Veith does not show proof of being published, nor does it note Dr. Veith as an author.
- *A Long-term Study on the Expansion Effects of the Cervical-pull Facebow With and Without Rapid Maxillary Expansion:* Publication is dated 2004, which does not fall within the timeline of the 2008-2010 audit.
- University of Iowa Department of Orthodontics, *Surgical Orthodontics*, January 31-February 6, 2010: Board acknowledges 20 CEU credits.

- OERF 2008 Annual Meeting in St. Louis, MO: Dr. Veith has not provided Certificate of Completion.
- OERF 2009 Annual Meeting in St. Louis, MO: Dr. Veith has not provided Certificate of Completion.
- 31st Iowa Winter Seminar, University of Iowa, held in Vail, CO: Dr. Veith has not provided Certificate of Completion.

Mr. Kirby made a motion, seconded by Dr. Lenz, to approve Dr. Veith's license renewal contingent upon receiving Certificates of Completion for 30 additional CE hours, which can be demonstrated by providing proof of completion of the OERF seminars listed above. The motion was unanimously approved. The Division of Professional Regulation will send a letter to Dr. Veith noticing him of 20 demonstrated CE hours, and requesting verification of 30 additional hours. The letter shall notify Dr. Veith that his license has lapsed as of June 1, 2010, and warn him that if he is practicing, he is doing so without a license. The Board discussed the fact that the proposal to deny letter advising Dr. Veith of his right to request a hearing was returned to the Board "unclaimed." The new letter shall provide Dr. Veith another opportunity to request a hearing if he is unable to document the additional hours necessary for the contingent approval. After further discussion, Ms. Reardon read Item 6.7.1 of the Rules & Regulations. Dr. McAneny made a motion, seconded by Mr. Kirby, to include Item 6.7.1 in Dr. Veith's letter advising Dr. Veith that to the extent his letter could be construed as a request for a waiver of the continuing education requirements, the request is denied due to the lack of information to support the request. The motion was unanimously approved.

Amy Cziraky: Ms. Urbaniak advised the Board of her conversations with Ms. Cziraky and submitted Ms. Cziraky's request for a hearing to Dr. McAneny for review. Dr. McAneny reviewed Ms. Cziraky's email. Ms. Reardon questioned the Board about how their audit list is chosen. Ms. Reardon expressed her concern that Ms. Cziraky was audited, since she had not applied for renewal and questioned why individuals who had not applied for renewal were being audited. It was determined that the notice of audit is sent with the renewal. Ms. Reardon advised the Board to review its audit process and consider a Post-Renewal Audit, rather than a Pre-Renewal Audit. Ms. Thomas and Mr. Kirby advised that the Board was not responsible for choosing a list of licensees to be audited. Dr. McAneny added that the Division of Professional Regulation would need to change the audit list. Dr. McAneny made a motion, seconded by Fay Rust, to send a notice to Ms. Cziraky approving her request for a hearing in September. The motion was unanimously approved. The letter should advise Ms. Cziraky that if she can provide satisfactory CE Certificates of Completion and a valid CPR card, along with her renewal application and all applicable late fees, no later than September 1, 2010, then the hearing will be cancelled. Additionally, the letter shall advise Ms. Cziraky that although the Board is permitting her to take CE outside of the renewal timeline, that the credits claimed for 2008-2010 cannot also be claimed for the 2010-2012 renewal.

Dr. Nicholas J. Russo: Mr. Mangler gave the Board a synopsis of correspondence with Dr. Russo regarding the audit, and reviewed his telephone conversations with both Dr. John Nicholas Russo Jr. (father), Dr. Nicholas J. Russo (son), and their Office Manager. Dr. McAneny reviewed Dr. Russo's original audit submission. Discussion continued between Dr. McAneny, Ms. Reardon, and Mr. Mangler. Dr. McAneny made a motion, seconded by Mr. Kirby, to mail a letter to Dr. Russo (both certified and regular mail), notifying him that he has 15 days from the date of the letter to provide CE certificates of completion for the AGD list that he originally submitted for audit. In the event that the requested documentation is not received by the deadline, Dr. Russo will be scheduled for a hearing at the September board meeting, at which time the Board will consider a final denial of Dr. Russo's license renewal. The motion was unanimously carried.

Anne E. Green: Dr. McAneny advised the Board that Ms. Green was in compliance of the audit in a timely manner, and that her name was submitted to the Board by Division error. Dr. McAneny made a motion, seconded by Ms. Rust to remove her name from the agenda. The motion was unanimously approved.

Kimberly Turk: Ms. Turk never responded to the audit and has made no attempt to renew her license. The PTD letter mailed to Ms. Turk in May was returned to the Board office with no forwarding address. Dr. McAneny made a motion, seconded by Dr. Jones, to send Ms. Turk a letter by regular mail notifying her that her license has lapsed. The letter will state that if she elects to renew her license in the future, she will be required to show proof of CE and CPR requirements for the 2008-2010 license period. The motion was unanimously approved. There was further discussion between Ms. Reardon, Mr. Mangler, and Dr. McAneny regarding post-renewal audits versus pre-renewal audits. Ms. Reardon will provide documentation on post-renewal audits at the next Board meeting for review. Mr. Mangler advised that he will follow up with a letter to anyone who received a PTD letter and did not apply for license renewal.

Dr. Junaid Chaudhry: Dr. Cox and Dr. Lenz reviewed the audit paperwork submitted by Dr. Chaudhry. Dr. Director made a motion, seconded by Dr. Jones, to approve the audit submission. The vote was unanimously approved.

Dr. Cynthia Minsk: Ms. Urbaniak advised the Board that due to DPR error, Dr. Minsk was not immediately noticed of her board-approved deadline extension of May 1, 2010, and therefore was given a new extended deadline of July 1, 2010. Dr. Director made a motion, seconded by Mr. Kirby, to approve the newly extended audit deadline for Dr. Minsk. The vote was unanimously approved.

Dr. James McKelvey: Ms. Urbaniak advised the Board that Dr. McKelvey had been noticed of his Board-approved extended audit deadline of September 1, 2010.

Renee Bowen: Ms. Reardon advised the Board that the military exemption does not apply to licensees who travel with their spouses to military destinations. Dr. McAneny made a motion, seconded by Ms. Rust, to send Ms. Bowen a Proposal to Deny letter based on her lack of 3 of 5 years practice, and the inapplicability of the military exemption. Ms. Bowen may reapply for licensure by examination. The motion was unanimously carried.

Formal Statement for Website re Teeth Whitening Services at Spas & Mall Kiosks: The Board discussed adverse outcomes of these procedures, such as allergic reactions and a failure to achieve results. Dr. McAneny asked Ms. Reardon for a legal opinion. Ms. Reardon explained that Boards do not give advisory opinions to private businesses on the conduct of their business. Ms. Reardon will review the Ohio statement and the letter from Beyond Dental & Health presented at last month's board meeting. Ms. Reardon will bring a sample response letter to the Board at their next meeting at which time the Board may consider putting a statement for consumers on its website. Dr. McAneny made a motion, seconded by Mr. Kirby, to table further discussion until the September Board meeting.

NEW BUSINESS

Licenses Issued Since May 11, 2010 – Ratify

Dentist License

None

Dentist Limited License (Resident) (Issue Date 7/1/10)

Andrew Swiatowicz

Christina Platia

David Groy

Mary Clare Kubasko

Dr. Director made a motion, seconded by Dr. Jones, to approve the ratification of 4 Dentist Limited Licenses. The vote was unanimously approved. Dr. Director asked Ms. Urbaniak why there were not 10 Dentist Limited Licenses, rather than 4. Ms. Reardon explained that the Division may still have applications for others on file that are incomplete.

Dental Hygienist License

None

Restricted Permit I

None

Restricted Permit II

Dr. Parham Farhi

Dr. Adeline Farhi

Dr. Director made a motion, seconded by Dr. Lenz, to approve the ratification of 2 Restricted Permit II's. The vote was unanimously approved.

Unrestricted Permit

None

Review of Licensure of Dental Hygienist by Reciprocity

Janet Lyn Simkins: Ms. Coyle reviewed the application and made a motion, seconded by Dr. Director, to approve the application contingent upon a passing grade on the Jurisprudence exam. The motion was unanimously approved.

Review of Licensure of Dentist Limited License – Director

Daniel J. Meara: Dr. Jones made a motion, seconded by Dr. Director, to approve the application contingent upon receipt of fee(s). The vote was unanimously approved.

DOR Validation: The Board asked Ms. Reardon whether the the DOR should be re-validated based on Dr. Arm's seminar. Dr. Arm did the validation of the exam that is currently in use and there is some concern that Dr. Arm's students could have an advantage in taking the DOR exam. Ms. Reardon advised the Board that they need the DPR Director to approve the re-validation. Dr. McAneny advised the Board that he has already recommended to Jennifer Myer that the exam questions be rotated, beginning with the next exam in January 2011. Dr. Director made a motion, seconded by Mr. Kirby, to urge the Division of Professional Regulation to secure funding ASAP to re-validate all dental and dental hygiene exams, and to periodically re-validate all exams. The motion was unanimously carried.

COMPLAINTS

Status Report

Complaint 09-15-09 – Forwarded to Attorney General's Office

Complaint 09-07-09 – Reassigned to Dr. Director

Complaint 09-07-10 – Reassigned to Dr. McAneny

CORRESPONDENCE

ADA 2010 Survey of Legal Provisions for Delegating Intraoral Functions to Dental Assistants and Dental Hygienists – Ms. Urbaniak forwarded the survey to Ms. Coyle for completion, per Mr. Mangler's instructions. Ms. Coyle passed the Survey on to Dr. Director.

Request from DelTech to add "Cavitron or Ultrasonic of Choice" to Equipment List in Candidate Examination Binders – Ms. Rust advised the Board of a situation at the last Dental Hygiene exam regarding the hygienist candidates using DelTech's equipment. There was some discussion between Ms. Rust and Dr. McAneny. Ms. Rust will contact Shameka at DelTech regarding what equipment will be available for exam candidates at the testing facility. Ms. Rust will contact Jennifer Myer at the Division of Professional Regulation to finalize the equipment list.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

At Ms. Reardon's request, Dr. Director made a motion, seconded by Dr. Jones, to amend the agenda to add 3.6 under Unfinished Business, "Sign Final Order – Khalid Chaudry". The vote was unanimously approved. Ms. Reardon finalized and circulated Dr. Chaudry's Final Order for Board signatures.

Next Exam Committee Meeting: Dr. McAneny advised Ms. Urbaniak that in the future, examiners' binders need to be ready at the Board meeting before the exam. Mr. Mangler agreed that scoring guidelines will be available to dentists a few weeks before the next exam. The next Exam Committee meeting will be scheduled to immediately follow the September Board meeting.

Fiscal Year 2011-2012 Fee Schedule: Ms. Urbaniak read aloud the new dental application fee schedule for the upcoming fiscal year.

Dr. McAneny advised the Board of the upcoming AADB Meeting, October 7-8, 2010, in Orlando, FL.

PUBLIC COMMENT

NONE

NEXT MEETING

The next Board meeting will be Thursday, September 9, 2010, at 4:30 p.m.

ADJOURNMENT

Dr. Director made a motion, seconded by Dr. Lenz, to adjourn the meeting at 6:55 p.m.

Respectfully Submitted,



Michele Urbaniak
Administrative Specialist II